

JOSEPH P. RUSSONIELLO (CASBN 44332)  
United States Attorney

BRIAN STRETCH (CASBN 163973)  
Chief, Criminal Division

MAUREEN C. BESSETTE (NYSBN 2468254)  
Assistant U.S. Attorney

1301 Clay Street, Suite 340S  
Oakland, California 94612  
Telephone: (510) 637-3691  
Fax: (510) 637-3724

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

v.

LINDSEY COLBERT,  
(a/k/a Lindsey Charles Colbert, Jr.)  
Defendant.

Case No. CR-07-00606-WDB

Violations: 18 U.S.C. 641 - Theft of Public  
Money, Property, or Records (Class A  
Misdemeanor)

**DECLARATION OF SARALA V.  
NAGALA IN SUPPORT OF UNITED  
STATES' MOTION FOR BENCH  
WARRANT**

I, SARALA V. NAGALA, hereby declare as follows:

1. I am a Law Clerk assigned to this case. I have received the following information from officers employed by the Department of Homeland Security, Office of the Inspector General ("DHS OIG") and from reports and other documents provided to me by DHS OIG.

2. On August 25, 2005, Hurricane Katrina made landfall in the southeastern United States. At that time, Lindsey Colbert was living at 19983 Forest Street, Apt. #15; Castro Valley, California 94546, as proved by Colbert's own admission and by Alameda County records

1 indicating that Colbert has received Supplemental Security Income (“SSI”) at that address since  
2 July 2005.

3 3. On or about October 10, 2005, Lindsey Colbert contacted the Federal Emergency  
4 Management Agency (“FEMA”) via telephone and applied for Hurricane Katrina disaster  
5 assistance by stating that: (1) his primary residence was 3720 Magnolia Street, Apt. #54;  
6 Beaumont, Texas 77703; (2) his home was damaged by the disaster; (3) he was displaced to a  
7 family/friend’s dwelling after the hurricane; (4) his personal property was damaged by the  
8 disaster; (5) access to his home was restricted due to a mandatory evacuation following the  
9 hurricane.

10 4. On October 12, 2005, FEMA issued Colbert a \$2,000 U.S. Treasury Check as “Housing  
11 Assistance.” Colbert received the check at his Castro Valley address and cashed it at Cash & Go  
12 Inc. in Castro Valley, California, as proven by FEMA National Emergency Management  
13 Information System records.

14 5. On June 12, 2006, Special Agent Zurvohn Maloof, DHS OIG, interviewed Colbert  
15 regarding the \$2,000 disaster relief check he received from FEMA. The interview occurred at  
16 Colbert’s residence in Castro Valley, California. Agent Kristine Kearney, Postal Inspector,  
17 United States Postal Inspection Service (“USPIS”), was also present during the interview. Both  
18 agents identified themselves as Federal Agents with the DHS OIG and USPIS, respectively,  
19 before questioning Colbert. During the interview, Colbert admitted that he applied for Hurricane  
20 Katrina disaster relief funds under false pretenses. He further admitted to receiving, endorsing,  
21 and cashing the \$2,000 U.S. Treasury check issued to him by FEMA.

22 6. Colbert stated that he has lived in Castro Valley, California, for the past two years. He  
23 stated that, prior to moving to Castro Valley, he lived at 3685 Blossom Road; Beaumont, Texas,  
24 and since moving has occasionally returned to Texas. He further stated that he decided to move  
25 out of Texas to avoid a criminal charge filed against him in that state.

26 7. The U.S. Attorney’s Office sent Colbert, via certified mail, a copy of the criminal  
27 information as well as a copy of the order for summons to appear on October 25, 2007, at 10:00  
28 a.m. in front of the Honorable Magistrate Judge Wayne D. Brazil. Notice was sent to Colbert at

1 his Castro Valley address on October 3, 2007, but was returned on October 8, 2007, as refused by  
2 addressee. Colbert failed to appear for the initial appearance scheduled on October 25, 2007. No  
3 cause or excuse for his absence was provided.

4 8. Following Colbert's failure to appear, the U.S. Attorney's Office requested a summons for  
5 Colbert to appear on November 13, 2007. Magistrate Judge Wayne D. Brazil ordered the  
6 summons for Colbert's November 13, 2007 appearance on October 23, 2007. An arraignment  
7 was scheduled for November 13, 2007. Notice was sent to Colbert at the Castro Valley address  
8 by certified mail. The summons was served by Special Agent Maloof on October 31, 2007.  
9 While at the Castro Valley residence, Agent Maloof spoke to Colbert's mother, Betty Colbert,  
10 who stated that she had a restraining order against Lindsey Colbert. Ms. Colbert stated that she  
11 would have Lindsey Colbert's son deliver the summons to Lindsey Colbert. Ms. Colbert refused  
12 to provide information on where Lindsey Colbert resided but stated that he did not return to  
13 Texas. She later stated that she really did not know where Lindsey Colbert lived.

14 9. Lindsey Colbert again failed to appear for the arraignment scheduled on November 13,  
15 2007. No cause or excuse for his absence was provided.

16 10. The U.S. Attorney's Office requested a third date for an initial appearance on December  
17 10, 2007, at 10:00 am in front of Magistrate Judge Wayne D. Brazil. Notice was sent to  
18 Colbert's Castro Valley address via certified mail but was returned to the U.S. Attorney's Office  
19 as undeliverable on January 9, 2008. Lindsey Colbert failed to appear for the third time for the  
20 December 10, 2007, initial appearance. No cause or excuse for his absence was provided.

21 11. Colbert's current residence is unknown. Special Agent Maloof believes that he has  
22 returned to Texas. A warrant is currently outstanding for his arrest in Texas.

23 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
24 knowledge and belief.

25 Executed February 11, 2008, at San Francisco, California.

26  
27 /s/  
28 SARALA V. NAGALA  
Law Clerk, United States Attorney's Office